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conceived, have hardly stood the test of administrative application. The French Chamber has stood the test of war far better than the British Parliament. The former has gone through three periods. In the first, the complete authority of the government, especially in the Bordeaux period, went practically unchallenged. In the second, which roughly ended with the fall of M. Briand's ministry, was a period in which the chamber coöperated with the administration by means of parliamentary commissions. The third and present period seems to be one in which the normal control of the deputies has been restored. M. Clémenceau is the first Prime Minister since 1914 who has come into office as a result of a definite parliamentary refusal of confidence. In England the process has been different. No ministry has been made or unmade in the House of Commons. Parliament has been an organ of deliberation almost as distinct from executive action as is Congress from the President. The evolution of cabinet supremacy has been rapidly completed; and it will need little less than a revolution on the part of the private member to restore the balance of power. No student of the English constitution can afford to neglect the great debates in the House of Commons during April, 1917, in which the possibility of such a revolution was clearly indicated.

A reader of M. Duguit's brilliant essay can hardly refrain from the inquiry as to why such books are not produced in America. There is, I think, only a single treatise in the English language — Professor Dicey's "Law of the Constitution" — which in any real degree challenges comparison with this book. It is not merely a discussion of laws and ordinances, cases and debates, but, at the same time, a concise and coherent philosophy of law. Our American treatises fail exactly at this point. Whatever books we take up — Willoughby, Curtis, Story, Foster — tends to be little else than a more or less acute comment on the clauses of the constitution with a discussion of the cases they have evolved. The point is not perceived that constitutional law is not merely law, but, as John Chipman Gray used ironically to complain, is politics as well. A writer on the theory of American constitution can no more afford to neglect Jefferson and Hamilton than M. Duguit could venture to neglect Benjamin Constant and Royer-Collard. The point is that any adequate theory of constitutional law involves also a theory of the state. The assumptions will be there in tacit fashion, however carefully the commentator may guard against their presence. The English constitution is different because Mr. Gladstone lived to be eighty-nine; and that is why a writer on the law of the English constitution will study Lord Morley's biography hardly less closely than he studies the contemporary English Reports. For the simple fact is that the key to the English Reports is in Mr. Gladstone's life. That has been realized in France, and the result is here in books like this of M. Duguit. It makes the study of the constitution a subject that is not merely a discipline but also a liberal education. It is greatly to be hoped that the study of it will inspire some competent observer to undertake a similar work for the United States. The material, at any rate, is not wanting, and the result would be a contribution to the understanding of federal institutions such as has hardly been made in our time.

H. J. L.

WAIVER DISTRIBUTED. By John S. Ewart. Cambridge: Harvard University Press. 1917. pp. xx, 304. 8vo.

The full title of this book is "Waiver Distributed among the Departments Election, Estoppel, Contract, Release," and this is a serviceable explanation of the author's purpose and points of view. "Waiver" itself void, voidable, forfeiture and election, and "Waiver" in the spheres of contract, Landlord's Tenant, Vendor and Purchaser, and Insurance are all passed in review, each running the gauntlet.

This is a usable book in the first place and scarcely less a readable book. The author asserts that its purpose is to improve the existing state of the law, and the reviewer most cordially concurs in the idea that there is much in the book which will tend toward this good end. But the book ought to have even greater usefulness in improving the mind of the practicing lawyer who wants light, in helping him to keep business men out of trouble, and in helping both lawyers and business men to think accurately about commercial and property rights. It may be that the book will make judge-made law a little more sensible. But whether that happens or not, and indeed whether the book itself is much read or used, it bids fair to be very well worth while as an aid to the legal profession. The author is occasionally wrong in his conclusions about given cases. He is never wrong in his aims and ideals. And so he has made a book which is like a stone thrown into a pool and should have an ever-widening circle of influence.

One might make a fairly good review of this book by quoting or paraphrasing the illuminating introduction by Dean Pound, but perhaps it would be wiser to leave that as a kind of dessert for the diligent reader of reviews and the books which are reviewed.

Another aspect of the book also claims notice in a review. For the purpose of comment upon Mr. Ewart's results, text-books may be divided into three classes. There is first the text-book whose author has the same aims and often the same lack of intelligence as the quicksilver on the back of a mirror. Whatever he thinks the court has decided he mirrors in his book. There is next the author whose work is a complete essay upon the branch of the law which he serves. "Blackburn on Sale" is a good example of the ideal way to write a complete essay on a legal subject. "Pothier on Suretyship" seems to the writer the perfect treatise of this kind. Beyond these there is a third class of books in which the author is riding not merely a hobby, but a war horse, which needs to be ridden hard. The fewer text-books of the mirror class that come into the world, the better the legal profession will be served. One cannot expect books like "Blackburn on Sale" from every publisher in every season. But there ought always to be somebody ready to write the war-horse book, and provided it is not a hobby horse, the profession profit greatly. "Gladney on the Patent System of Price Restraint" is an excellent example of this sort of thing, except that it approaches dangerously near to the hobby-horse type. Mr. Ewart deserves great praise for producing a book which is not open to that suspicion and which makes war on many stupid and many foolish pieces of ambiguity. Anyone who wants to know about the meaning of "void," "waiver," "election," "estoppel," or the things an insurance policy does not mean, in spite of what it says, can educate himself by accepting Mr. Ewart's assistance.

RICHARD W. HALE.

A TREATISE ON THE POWER OF TAXATION. By F. N. Judson. St. Louis: F. H. Thomas Co. [To be reviewed.]

ESSENTIALS OF AMERICAN CONSTITUTIONAL LAW. By F. N. Thorpe. New York: G. P. Putnam. [To be reviewed.]

A TREATISE ON CONVERSION. By R. D. Bowers. Boston: Little, Brown and Company. [To be reviewed.]

ROMAN LAW IN THE MODERN WORLD. By Charles Sherman. 3 vols. Boston: Boston Book Company. [To be reviewed.]

ALSACE-LORRAINE. By Daniel Blumenthal. New York: G. P. Putnam.

EQUITY IN ITS RELATIONS TO COMMON LAW. By W. W. Billson. Boston: The Boston Book Company. [An elementary essay.]

BANKRUPTCY ACT OF 1898. Collier Edition. Albany: Matthew Bender Co.